IN THE SUPREME COURT OF THE STATE OF DELAWARE

KATINA COLLINS,	§	
	§	No. 219, 2006
Plaintiff Below-Appellant,	§	
	§	
v.	§	
	§	
THE AFRICAN METHODIST EPISCOPAL ZION CHURCH, a North Carolina corporation, BISHOP MILTON A. WILLIAMS, SR., and SCOTT A.M.E. ZION CHURCH, a Delaware corporation,	§	Court Below—Superior Court of the State of Delaware, in and for New Castle County C.A. No. 04C-02-121
	§	
Defendants Below-Appellees.	§	

Submitted: July 20, 2006
Decided: August 11, 2006

Before **HOLLAND**, **BERGER**, and **JACOBS**, Justices.

O R D E R

This 11th day of August 2006, upon consideration of the appellees' motion to dismiss and the appellant's response thereto, it appears to the Court that:

(1) The plaintiff-appellant, Katina Collins, filed a complaint in the Superior Court in February 2004 against the defendants-appellees, the African Methodist Episcopal Zion Church, Bishop Milton Williams, and Scott A.M.E. Zion Church (collectively, "the Church defendants"), as well as the Reverend Dr. William Burton ("Burton"). The claims arose from the alleged harassment of Collins by Burton, her pastor, and Collins' attempts to have Burton disciplined by

the Church defendants. On April 4, 2006, the Superior Court docketed an opinion granting summary judgment to the Church defendants on Collins' claims of negligence, negligent infliction of emotional distress, and intentional infliction of emotional distress. The trial court held that Collins was "seeking civil court review of ecclesiastical policies" and that the court lacked subject matter jurisdiction to adjudicate that issue. In a separate opinion, the Superior Court denied Burton's motion for summary judgment on Collins' claim of intentional infliction of emotional distress.

(2) Collins filed her notice of appeal against the Church defendants on May 3, 2006. The Church defendants have filed a motion to dismiss Collins appeal on the grounds that the Superior Court's opinion granting summary judgment to the Church defendants is an interlocutory order, and Collins has not complied with the provisions of Supreme Court Rule 42 in seeking to file an interlocutory appeal.

(3) In her response, Collins acknowledges that her complaint against Burton is still pending in the Superior Court. She contends, however that the present appeal is not interlocutory because the Superior Court's entry of summary judgment in favor of the Church defendants is a collateral order subject to immediate appellate review. More specifically, Collins claims that the Superior Court's grant of summary judgment to the Church defendants for lack of subject matter jurisdiction under the First Amendment of the Constitution is collateral to

the issues of negligence, negligent infliction of emotional distress, and intentional infliction of emotional distress, which were raised in Collins' complaint.

(4) We disagree. The collateral order doctrine only applies to "that small class [of decisions] which finally determine claims of right separable from, and collateral to, rights asserted in the action…."[1] The Superior Court's grant of summary judgment to less than all of the defendants named in Collins' complaint does not fall into "that small class" of collateral orders. Collins could have sought the entry of a final judgment with respect to the Church defendants pursuant to Superior Court Civil Rule 54(b),[2] but she failed to do so. Nor did she attempt to comply with Supreme Court Rule 42 in seeking to appeal the Superior Court's interlocutory ruling. Accordingly, this appeal must be dismissed.

NOW, THEREFORE, IT IS ORDERED that the appellees' motion to dismiss is GRANTED. This appeal is hereby DISMISSED.

BY THE COURT:

/s/ Carolyn Berger
Justice

[1] *Evans v. J.P. Court No. 19*, 652 A.2d 574, 576 (Del. 1995) (*quoting Cohen v. Beneficial Indus. Loan*, 337 U.S. 541 (1949)).

[2] Superior Court Civil Rule 54(b) provides, in part, that the Superior "Court may direct the entry of a final judgment upon one or more but fewer than all of the claims or parties only upon an express determination that there is no just reason for delay…"